



THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
DEC 13 2002
TECH CENTER 1600/2900

In re Application of : Michael Glenn King
Serial No. : 09/755,460
Filing Date : January 5, 2001
Examiner : Shengjun Wang
Group Art Unit : 1617
Entitled : COMPOSITIONS AND METHODS FOR THE
CONTROL OF SMOKING

1601 Market Street, Suite 720
Philadelphia, PA 19103
(215) 563-4100 (telephone)
(215) 563-4044 (facsimile)
Our File No. 0041-P00941US3

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on December 4, 2002 with the United States Postal Service as first-class mail in an envelope properly addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Janice M. Nightlinger

**TERMINAL DISCLAIMER RESPONSIVE TO
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION**

The above-identified patent application (hereinafter "the '460 application"), is owned by Michael Glenn King, the Applicant named in the above-identified patent application (hereinafter "Applicant").

Applicant, by his undersigned attorney, who is the attorney of record in the '460 application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the '460 application which would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,883,137, issued March

16, 1999 of which Applicant is the owner of all right, title and interest.

Applicant, by its undersigned attorney, hereby agrees that any patent so granted on the '460 application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to said U.S. Patent No. 5,883,137, this agreement to run with any patent granted on the '460 application and to be binding upon the grantee, its successors or assigns.

In making the foregoing disclaimer, Applicant does not disclaim the terminal part of any patent granted on the '460 application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,883,137, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,883,137 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued or is in any manner terminated prior to expiration of its full statutory term as presently or subsequently shortened by any terminal disclaimer, as the case may be, except for the separation of legal title stated above.

The \$55.00 fee is enclosed for the filing of the instant terminal disclaimer. In the event of a deficiency in this amount, the Commission is authorized to charge or debit our Deposit Account No. 04-1406. A duplicate copy of this paper is enclosed to facilitate such charging or crediting.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By Patrick J. Hagan
PATRICK J. HAGAN
PTO Registration No. 27,643